

STOP SEXUAL ASSAULT AND HARASSMENT IN
TRANSPORTATION ACT

MARCH 24, 2022.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DEFazio, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5706]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5706) to protect transportation personnel and passengers from sexual assault and harassment, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose of Legislation	2
Background and Need for Legislation	2
Hearings	2
Legislative History and Consideration	3
Committee Votes	3
Committee Oversight Findings	3
New Budget Authority and Tax Expenditures	4
Congressional Budget Office Cost Estimate	4
Performance Goals and Objectives	7
Duplication of Federal Programs	7
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	7
Federal Mandates Statement	7
Preemption Clarification	7
Advisory Committee Statement	7
Applicability to Legislative Branch	8
Section-by-Section Analysis of the Legislation	8
Changes in Existing Law Made by the Bill, as Reported	11
Committee Correspondence	29

PURPOSE OF LEGISLATION

The purpose of H.R. 5706 is to protect personnel and passengers during passenger transportation by air, motor carrier, commuter and intercity rail, transit, vessel, and rideshare from sexual assault and harassment and to improve the response to, and facilitate the reporting of, such incidents.

BACKGROUND AND NEED FOR LEGISLATION

The United States prides itself on being an innovator and leader in transportation. However, media reports continue to bring to light stories of transportation personnel and travelers exposed to sexual assault and harassment in passenger transportation. The stories include frontline employees and passengers, especially women and children, being sexually harassed or assaulted on airplanes, crowded trains, cruise ships, and rideshare. Passengers and personnel experiencing such situations are often in confined spaces, with limited options to respond to or escape the unwelcome behavior or for a bystander or transportation operator to intervene.

While it is estimated that 90 percent of U.S. companies currently have a sexual harassment policy in place, one in five companies does not offer training to prevent such incidents.¹ This can leave passengers vulnerable and personnel unequipped to adequately address incidents when they occur. Furthermore, there is no federal clearinghouse for data on transportation-related sexual assault or harassment incidents.

For these reasons, a federal response is necessary. It is critical that the United States maintain a safe transportation system for the traveling public and ensure that transportation providers enact strict procedures to respond to and report such incidents.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearings were used to develop or consider H.R. 5706:

On July 20, 2021, the Subcommittee on Aviation held a hearing titled “Bridging the Gap: Improving Diversity and Inclusion in the U.S. Aviation Workforce.” The Subcommittee received testimony from Ms. Icema D. Gibbs, Vice President, Corporate Social Responsibility and Diversity, Equity and Inclusion, JetBlue Airways; Mr. Kyle J. Kaiser, President, Veteran Internships Providing Employment (VIPER) Transitions; Dr. Rebecca K. Lutte, Assistant Professor, Omaha Aviation Institute, University of Nebraska; Mr. Joel Webley, Chairman and Board of Directors, Organization of Black Aerospace Professionals; and Ms. Claudia Zapata-Cardone, Executive Director, Community Relations and Outreach, Latino Pilots Association. The hearing provided Members an opportunity to hear from key stakeholders about the challenges with, and their recommendations for, developing a robust and diverse U.S. aviation workforce. Further, this hearing examined future workforce needs and current efforts to recruit, retain, and enhance the talent pipe-

¹Annie Nova, *Office Sexual Harassment Policies Lag Behind the #MeToo Movement*, CNBC, (April 19, 2018), available at: <https://www.cnbc.com/2018/04/19/office-sexual-harassment-policies-lag-behind-the-metoo-movement.html>.

line, including requirements under the *FAA Reauthorization Act of 2018*, and other related workforce priorities.

On September 23, 2021, the Subcommittee on Aviation held a hearing titled “Disruption in the Skies: The Surge in Air Rage and its Effects on Workers, Airlines, and Airports.” The Subcommittee received testimony from Ms. Sara Nelson, International President, Association of Flight Attendants-CWA; Mr. Teddy Andrews, Flight Attendant, American Airlines, testifying on behalf of Association of Professional Flight Attendants; Mr. Christopher R. Bidwell, Senior Vice President, Safety, Airports Council International—North America; and Ms. Lauren Beyer, Vice President, Security and Facilitation, Airlines for America. This hearing examined the increase in disruptive and unruly airline passenger behavior, the potential causes of the increase, the effect on passenger and airline crew safety, airline crew training in deescalating and addressing such passenger behavior, and the enforcement of federal laws prohibiting such behavior.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 5706 was introduced in the House on October 25, 2021, by Mr. DeFazio of Oregon and 14 original cosponsors and referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary and the Committee on the Budget. Within the Transportation and Infrastructure Committee, H.R. 5706 was referred to the Subcommittee on Aviation; the Subcommittee on Highways and Transit; the Subcommittee on Railroads, Pipelines, and Hazardous Materials; and the Subcommittee on Coast Guard and Maritime Transportation.

The Subcommittee on Aviation; the Subcommittee on Highways and Transit; the Subcommittee on Railroads, Pipelines, and Hazardous Materials; and the Subcommittee on Coast Guard and Maritime Transportation were discharged from further consideration of H.R. 5706 on October 27, 2021.

The Committee considered H.R. 5706 on October 27, 2021, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No record votes were requested during consideration of H.R. 5706.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 5706 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 7, 2022.

Hon. PETER A. DEFazio,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5706, the Stop Sexual Assault and Harassment in Transportation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

At a Glance			
H.R. 5706, Stop Sexual Assault and Harassment in Transportation Act			
As ordered reported by the House Committee on Transportation and Infrastructure on October 27, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	31	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between -\$500,000 and \$500,000.			

The bill would

- Require the Department of Transportation to collect, maintain, and make publicly available information on the number

of sexual assaults and harassment incidents that occur on vehicles operated by private and public transportation carriers

- Establish new and increase existing civil penalties for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers
- Impose intergovernmental and private-sector mandates by requiring transportation operators to develop policies, procedures, and training to address incidents of sexual assault and identify potential cases of human trafficking

Estimated budgetary effects would mainly stem from

- The cost to collect, analyze, and publish data on sexual assault and harassment incidents that occur on vehicles operated by transportation carriers

Bill summary: H.R. 5706 would require transportation carriers to create policies for reporting and combating sexual assault and sexual harassment that occurs on vehicles they operate, including procedures for reporting incidents, procedures for employees after such reports are filed, training for personnel who may receive such reports, and procedures for prohibiting future travel by passengers who cause such an incident. Covered carriers would include air carriers, certain motor carriers, commuter and intercity rail entities, transit entities, passenger vessels, transportation network companies, and for-hire vehicle companies.

The bill would require the Department of Transportation (DOT) to collect, maintain, and make information available to the public on the number of sexual assaults and harassment incidents that occur on vehicles operated by transportation carriers and the number of such incidents that are reported to law enforcement. The data published would exclude any personally identifiable information.

H.R. 5706 also would establish new and increase existing civil fines for physically or sexually assaulting or threatening to assault an employee working for a service that transports passengers.

Estimated Federal cost: The estimated budgetary effect of H.R. 5607 is shown in Table 1. The costs of the legislation fall within budget function 400 (transportation).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 5706

	By fiscal year, millions of dollars—					
	2022	2023	2024	2025	2026	2022–2026
Estimated Authorization	*	8	8	8	9	33
Estimated Outlays	*	6	8	8	9	31

Enacting the bill also would increase revenues by less than \$500,000 over the 2022–2031 period. * = between zero and \$500,000.

Basis of estimate: CBO assumes that the bill will be enacted near the end of fiscal year 2022.

Spending subject to appropriation: Under the bill, DOT would be required to collect and publish data on sexual assaults that occur on transportation carriers. Under current law, the Department of Justice (DOJ) collects some information on sexual assault and harassment incidents on modes of transportation through the Bureau of Justice Statistics’ National Crime Victimization Survey and through the Federal Bureau of Investigation’s National Incident-Based Reporting System. CBO expects that DOT would collect relevant information from DOJ and supplement it with information

collected directly from transportation carriers to report on relevant crimes.

Using information from DOJ on the amount of funding provided to the Bureau of Justice Statistics to collect and publish crime data, the share of that work that is related to sexual assaults, and accounting for anticipated inflation, CBO estimates that implementing H.R. 5706 would cost \$31 million over the 2022–2026 period. Such spending would be subject to appropriation of the necessary amounts.

Revenues: Under current law, the federal government has authority to levy civil penalties of up to \$35,000 against passengers who physically or sexually assault crew of a civil aircraft. Under H.R. 5706, that maximum penalty would be increased to \$40,000 on January 1, 2026, and further increased to \$45,000 on January 1, 2031. The bill also would authorize similar civil fines for passengers who physically or sexually assault employees of transportation carriers in other modes of transportation.

Civil fines are recorded in the budget as revenues. CBO estimates that any additional collections above those that could already be levied under current law would not be significant in any year and over the 2022–2031 period because of the relatively small number of cases likely to be affected.

Pay-as-you-go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting H.R. 5706 would increase revenues by less than \$500,000 over the 2022–2031 period.

Increase in long-term deficits: None.

Mandates: H.R. 5706 would impose intergovernmental and private-sector mandates on transportation providers operating in the United States. CBO estimates that the aggregate cost of the mandates would fall well below the annual thresholds established in the Unfunded Mandates Reform Act for intergovernmental and private-sector mandates (\$85 million and \$170 million in 2021, respectively, adjusted annually for inflation).

The bill would require transportation providers, both public and private, to develop and implement a sexual assault and harassment policy that includes, among other things, procedures and systems for reporting incidents and potential cases of human trafficking, prohibiting future travel from individuals who violate the carrier's policy, and training for employees who receive incident reports. CBO estimates the requirement would affect fewer than 20,000 operators.

Many of the entities within the scope of the bill, including airlines, commuter and intercity transportation providers, public transit operators, vessel operators, and ride-share companies, have developed relevant policies and training procedures and installed reporting technology. In those cases, existing policies and practices could be modified to meet the bill's requirements; therefore, CBO estimates the incremental compliance cost for those operators would be small.

Most of the remaining operators affected by the bill are for-hire transportation firms that CBO expects would need to develop a sexual assault and harassment policy, an online platform for reporting violations, and training for employees who receive those reports.

CBO assumes those operators will use the most economical means to do so, in some cases using free materials. Therefore, the amount operators would spend to develop those policies and maintain a website, CBO estimates, also would be small.

Estimate prepared by: Federal costs: Robert Reese, Mandates: Brandon Lever.

Estimate reviewed by: Susan Willie, Chief, Natural and Physical Resources Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private mandates unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide protection for transportation personnel and passengers from sexual assault and harassment.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 5706 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 5706 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this measure may be cited as the “Stop Sexual Assault and Harassment in Transportation Act”.

Sec. 2. Formal sexual assault and harassment policies on air carriers and foreign air carriers

This section requires that air carriers and foreign air carriers transporting passengers for compensation issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are unacceptable under any circumstances, procedures facilitating the reporting of and response to such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting such incidents.

Finally, this section defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within an aircraft, or in an area in which passengers are entering or exiting an aircraft.

Sec. 3. Formal sexual assault and harassment policies for certain motor carriers

This section requires that certain motor carriers issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are unacceptable under any circumstances, procedures that may limit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

The section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting sexual assault and harassment incidents.

Finally, this section defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or

reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within a vehicle, or in an area in which passengers are entering or exiting a vehicle.

Sec. 4. Formal sexual assault and harassment policies on passenger commuter and intercity rail

This section requires that entities providing commuter rail passenger transportation and intercity rail passenger transportation, in consultation with labor unions representing personnel with respect to the entity, issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are unacceptable under any circumstances, procedures facilitating the reporting of such incidents, procedures that personnel should follow upon the reporting of such incidents, procedures that may limit or prohibit future travel for passengers responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers and personnel of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment as well as the procedure for reporting sexual assault and harassment as well as the procedure for reporting sexual assault and harassment incidents.

Finally, this section defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within a vehicle, or in an area in which passengers are entering or exiting such a vehicle.

Sec. 5. Formal sexual assault and harassment policies on transit

This section requires that certain transit entities issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are unacceptable under any circumstances, procedures facilitating the reporting of and response to such incidents, procedures that may limit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting sexual assault and harassment incidents.

Finally, this section defines transportation sexual assault or harassment incidents covered under the section as the occurrence, or

reasonably suspected occurrence, of an act that constitutes sexual assault or harassment and is committed by a passenger or personnel of the entity against another passenger or personnel within a vehicle, or in an areas in which passengers are entering or exiting such a vehicle.

Sec. 6. Formal sexual assault and harassment policies for passenger vessels

This section requires that the owners of large passenger vessels (i.e., cruise ships) issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are unacceptable under any circumstances, procedures facilitating the reporting of and response to such incidents, procedures that may limit or prohibit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting sexual assault and harassment incidents.

Sec. 7. Civil penalties for interference with certain transportation personnel

This section sets a maximum civil penalty of \$35,000 for any individual who physically or sexually assaults, or threatens to assault, an employee engaged in the transportation of passengers on behalf of an entity covered in the bill. The penalty also applies to any individual who poses an imminent threat to the safety of a vehicle of a covered entity. The penalty shall increase to \$40,000 after five years and \$45,000 after ten years.

Sec. 8. Formal sexual assault and harassment policies for transportation network companies and for-hire vehicle companies

This section requires that transportation network companies and for-hire vehicle companies issue a formal policy with respect to transportation sexual assault or harassment. The policy must include a statement indicating that sexual assault and harassment are unacceptable under any circumstances, procedures that may limit or prohibit future travel for those responsible for causing such incidents, and certain training requirements for all appropriate personnel with respect to the policy, including recognizing and responding to potential human trafficking victims.

This section further provides that these entities are also required to display, on their website and through appropriate signage, a written statement advising passengers of the adoption of, and major components contained in, the formal policy with respect to transportation sexual assault and harassment, as well as the procedure for reporting sexual assault and harassment incidents.

Sec. 9. Data collection

This section directs the Secretary of Transportation to establish a data collection program to annually collect and maintain data from each entity covered in the bill on the number of transportation sexual assault or harassment incidents reported to the entity and reported to law enforcement by personnel of the entity. This data shall be made available through the Department of Transportation's primary internet website and presented in a manner that protects the privacy of those involved in such incidents.

Sec. 10. Criminal reporting process

This section directs the Attorney General, in coordination with the Secretary of Transportation, to expand an existing streamlined reporting process for use by individuals involved in transportation sexual assault or harassment incidents. The process will permit such individuals to report allegations to law enforcement in a confidential manner and separate from the one offered by the transportation provider. This process currently applies only with respect to individuals involved in alleged sexual misconduct onboard aircraft.

Sec. 11. Inspector General Report to Congress

This section directs the Inspector General of the Department of Transportation to issue a report every two years assessing compliance with the provisions of this Act. This assessment must include the accuracy of the reporting of transportation sexual assault or harassment incidents by covered entities, among other things.

Sec. 12. Definition of sexual harassment

This section states that the Department of Transportation, in consultation with labor unions representing transportation workers employed by covered entities and national organizations that provide services to sexual assault victims, shall develop a definition for sexual harassment for purposes of this Act.

Sec. 13. Definitions

This section defines the terms used in this measure including: "Covered entity"; "for-hire vehicle company"; "FVC driver"; "FVC personnel"; "sexual assault"; "TNC driver"; "TNC personnel"; "transportation network company"; and "transportation sexual assault or harassment incident".

Sec. 14. Determination of budgetary effects

This section states that the budgetary effects of this Act will be determined by reference to the latest "Budgetary Effects of PAYGO Legislation" statement submitted to the Congressional Record by the Chairman of the House Budget Committee if that statement is submitted prior to the vote on passage of this Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

* * * * *

SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

* * * * *

CHAPTER 53—PUBLIC TRANSPORTATION

Sec.

5301. Policies and purposes.

* * * * *

5341. *Formal sexual assault and harassment policies.*

* * * * *

§5341. *Formal sexual assault and harassment policies*

(a) *REQUIREMENT.*—Not later than 180 days after the date of enactment of this section, each covered transit entity shall issue, in consultation with labor unions representing personnel with respect to the covered transit entity, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) *CONTENTS.*—The policy required under subsection (a) shall include—

(1) *a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;*

(2) *procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—*

(A) *appropriate public outreach activities; and*

(B) *confidential phone and internet-based opportunities for reporting;*

(3) *procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;*

(4) *procedures that may limit, to the extent practicable, future travel with the covered transit entity by any passenger who causes a transportation sexual assault or harassment incident; and*

(5) *training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—*

(A) *specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and*

(B) *recognizing and responding to potential human trafficking victims.*

(c) *PASSENGER INFORMATION.—A covered transit entity shall prominently display, on the internet website of the entity and through the use of appropriate signage, a written statement that—*

(1) *advises passengers and personnel that the covered transit entity has adopted a formal policy with respect to transportation sexual assault or harassment incidents;*

(2) *informs passengers and personnel of the other major components of the covered transit entity's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and*

(3) *informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.*

(d) *STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the covered transit entity has acted with any requisite standard of care.*

(e) *DEFINITIONS.—In this section:*

(1) *COVERED TRANSIT ENTITY.—The term “covered transit entity” means a State or local governmental entity, private non-profit organization, or Tribe that—*

(A) *operates a public transportation service; and*

(B) *is a recipient or subrecipient of funds under this chapter.*

(2) *PERSONNEL.—The term “personnel” means an employee or contractor of a covered transit entity.*

(3) *SEXUAL ASSAULT.—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.*

(4) *TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—*

(A) *constitutes sexual assault or sexual harassment; and*

(B) *is committed—*

(i) *by a passenger or member of personnel of covered transit entity against another passenger or member of personnel of the covered transit entity; and*

(ii) *within a vehicle of the covered transit entity or in an area in which passengers are entering or exiting such a vehicle.*

* * * * *

SUBTITLE V—RAIL PROGRAMS

* * * * *

PART C—PASSENGER TRANSPORTATION

* * * * *

CHAPTER 241—GENERAL

Sec.

24101. Findings, mission, and goals.

* * * * *

24104. *Formal sexual assault and harassment policies.*

* * * * *

§24104. *Formal sexual assault and harassment policies*

(a) *REQUIREMENT.*—Not later than 180 days after the date of enactment of this section, each covered rail entity shall issue, in consultation with labor unions representing personnel with respect to the covered rail entity, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) *CONTENTS.*—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities; and

(B) confidential phone and internet-based opportunities for reporting;

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit or prohibit, to the extent practicable, future travel with the covered rail entity by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims.

(c) *PASSENGER INFORMATION.*—A covered rail entity shall prominently display, on the internet website of the entity and through the use of appropriate signage, a written statement that—

(1) advises passengers and personnel that the covered rail entity has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers and personnel of the other major components of the covered rail entity's formal policy, including a

statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

(d) STANDARD OF CARE.—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the covered rail entity has acted with any requisite standard of care.

(e) DEFINITIONS.—In this section:

(1) COVERED RAIL ENTITY.—The term “covered rail entity” means an entity providing commuter rail passenger transportation or intercity rail passenger transportation.

(2) PERSONNEL.—The term “personnel” means an employee or contractor of a covered rail entity.

(3) SEXUAL ASSAULT.—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(4) TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger or member of personnel of covered rail entity against another passenger or member of personnel of the covered rail entity; and

(ii) within a vehicle of the covered rail entity or in an area in which passengers are entering or exiting such a vehicle.

* * * * *

SUBTITLE VII—AVIATION PROGRAMS

* * * * *

PART A—AIR COMMERCE AND SAFETY

* * * * *

SUBPART ii—ECONOMIC REGULATION

* * * * *

CHAPTER 417—OPERATIONS OF CARRIERS

SUBCHAPTER I—REQUIREMENTS

Sec.

41701. Classification of air carriers.

* * * * *

41727. Formal sexual assault and harassment policies.

SUBCHAPTER I—REQUIREMENTS

* * * * *

§41727. Formal sexual assault and harassment policies

(a) *REQUIREMENT.*—Not later than 180 days after the date of enactment of this section, each air carrier and foreign air carrier transporting passengers for compensation shall issue, in consultation with labor unions representing personnel of the air carrier or foreign air carrier, a formal policy with respect to transportation sexual assault or harassment incidents.

(b) *CONTENTS.*—The policy required under subsection (a) shall include—

(1) a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance;

(2) procedures that facilitate the reporting of a transportation sexual assault or harassment incident, including—

(A) appropriate public outreach activities; and

(B) confidential phone and internet-based opportunities for reporting;

(3) procedures that personnel should follow upon the reporting of a transportation sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and to notify law enforcement when appropriate;

(4) procedures that may limit or prohibit, to the extent practicable, future travel with the air carrier or foreign air carrier by any passenger who causes a transportation sexual assault or harassment incident; and

(5) training that is required for all appropriate personnel with respect to the policy required under subsection (a), including—

(A) specific training for personnel who may receive reports of transportation sexual assault or harassment incidents; and

(B) recognizing and responding to potential human trafficking victims, in the same manner as required under section 44734(a)(4).

(c) *PASSENGER INFORMATION.*—An air carrier or foreign air carrier described in subsection (a) shall prominently display, on the internet website of the air carrier or foreign air carrier and through the use of appropriate signage, a written statement that—

(1) advises passengers and personnel that the carrier has adopted a formal policy with respect to transportation sexual assault or harassment incidents;

(2) informs passengers and personnel of the other major components of the carrier's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(3) informs passengers and personnel of the procedure for reporting a transportation sexual assault or harassment incident.

(d) *STANDARD OF CARE.*—Compliance with the requirements of this section, and any policy issued thereunder, shall not determine whether the air carrier or foreign air carrier described in subsection (a) has acted with any requisite standard of care.

(e) *DEFINITIONS.*—In this section:

(1) *PERSONNEL.*—The term “personnel” means an employee or contractor of an air carrier or foreign air carrier.

(2) *SEXUAL ASSAULT.*—The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(3) *TRANSPORTATION SEXUAL ASSAULT OR HARASSMENT INCIDENT.*—The term “transportation sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—

(A) constitutes sexual assault or sexual harassment; and
(B) is committed—

(i) by a passenger or member of personnel of an air carrier or foreign air carrier against another passenger or member of personnel of an air carrier or foreign air carrier; and

(ii) within an aircraft or in an area in which passengers are entering or exiting an aircraft.

* * * * *

SUBPART iv—ENFORCEMENT AND PENALTIES

* * * * *

CHAPTER 463—PENALTIES

* * * * *

§ 46318. Interference with cabin or flight crew

(a) *GENERAL RULE.*—An individual who physically or sexually assaults or threatens to physically or sexually assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil [penalty of not more than \$35,000.] *penalty of—*

(1) *for calendar years 2021 through 2025, not more than \$35,000;*

(2) *for calendar years 2026 through 2030, not more than \$40,000; and*

(3) *for calendar year 2031 and thereafter, not more than \$45,000.*

(b) *COMPROMISE AND SETOFF.*—

(1) *COMPROMISE.*—The Secretary may compromise the amount of a civil penalty imposed under this section.

(2) *SETOFF.*—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

* * * * *

SUBTITLE X—MISCELLANEOUS

* * * * *

CHAPTER 805—MISCELLANEOUS

Sec.
80501. Damage to transported property.

* * * * *

80505. *Interference with certain transportation personnel.*

* * * * *

§ 80505. *Interference with certain transportation personnel*

(a) *GENERAL RULE.*—An individual who physically or sexually assaults or threatens to physically or sexually assault an employee engaged in the transportation of passengers on behalf of a covered entity, or takes any action that poses an imminent threat to the safety of a vehicle of a covered entity that is transporting passengers, including rolling stock, motorcoaches, and ferries, is liable to the United States Government for a civil penalty of—

(1) for calendar years 2021 through 2025, not more than \$35,000;

(2) for calendar years 2026 through 2030, not more than \$40,000; and

(3) for calendar year 2031 and thereafter, not more than \$45,000.

(b) *COMPROMISE AND SETOFF.*—

(1) *COMPROMISE.*—The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

(2) *SETOFF.*—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.

(c) *COVERED ENTITY DEFINED.*—In this section, the term “covered entity” means an entity that is 1 of the following:

(1) A recipient of Federal funds under chapter 53 of this title.

(2) A motor carrier of passengers that—

(A) conducts regularly scheduled intercity service; and

(B) is a Class I carrier (as that term is used in section 369.3(a) of title 49, Code of Federal Regulations).

(3) An entity providing commuter rail passenger transportation or intercity rail passenger transportation (as those terms are defined in section 24102 of this title).

(4) The owner of a vessel for which section 3507 of title 46 applies.

(5) A transportation network company.

* * * * *

TITLE 46, UNITED STATES CODE

* * * * *

SUBTITLE II—VESSELS AND SEAMEN

* * * * *

PART B—INSPECTION AND REGULATION OF VESSELS

* * * * *

CHAPTER 35—CARRIAGE OF PASSENGERS

* * * * *

§ 3507. Passenger vessel security and safety requirements

(a) **VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.**—

(1) **IN GENERAL.**—Each vessel to which this subsection applies shall comply with the following design and construction standards:

(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, each passenger stateroom and crew cabin shall be equipped with—

(i) security latches; and

(ii) time-sensitive key technology.

(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

(2) **FIRE SAFETY CODES.**—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U.S. Coast Guard and under international law, as appropriate.

(b) **VIDEO RECORDING.**—

(1) **REQUIREMENT TO MAINTAIN SURVEILLANCE.**—

(A) **IN GENERAL.**—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes.

(B) **PLACEMENT OF VIDEO SURVEILLANCE EQUIPMENT.**—

(i) **IN GENERAL.**—Not later than 18 months after the date of the enactment of the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Commandant in consultation with other relevant Federal agencies or entities as determined by the Commandant, shall establish guidance for performance of the risk assessment described in paragraph (2) regarding the appropriate placement of video surveillance

equipment in passenger and crew common areas where there is no reasonable expectation of privacy.

(ii) RISK ASSESSMENT.—Not later than 1 year after the Commandant establishes the guidance described in paragraph (1), the owner shall conduct the risk assessment required under paragraph (1) and shall—

(I) evaluate the placement of video surveillance equipment to deter, prevent, and record a sexual assault aboard the vessel considering factors such as: ship layout and design, itinerary, crew complement, number of passengers, passenger demographics, and historical data on the type and location of prior sexual assault incident allegations;

(II) incorporate to the maximum extent practicable the video surveillance guidance established by the Commandant regarding the appropriate placement of video surveillance equipment;

(III) arrange for the risk assessment to be conducted by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent and record criminal behavior; and

(IV) the independent third party referred to in paragraph (C) shall be a company that has been accepted by a classification society that is a member of the International Association of Classification Societies (hereinafter referred to as “IACS”) or another classification society recognized by the Secretary as meeting acceptable standards for such a society pursuant to section 3316(b).

(C) SURVEILLANCE PLAN.—Not later than 180 days after completion of the risk assessment conducted under subparagraph (B)(ii), the owner of a vessel shall develop a plan to install video surveillance equipment in places determined to be appropriate in accordance with the results of the risk assessment conducted under subparagraph (B)(ii), except in areas where a person has a reasonable expectation of privacy. Such plan shall be evaluated and approved by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent and record criminal behavior that has been accepted as set forth in paragraph (2)(D).

(D) INSTALLATION.—The owner of a vessel to which this section applies shall, consistent with the surveillance plan approved under subparagraph (C), install appropriate video surveillance equipment aboard the vessel not later than 2 years after approval of the plan, or during the next scheduled drydock, whichever is later.

(E) ATTESTATION.—At the time of initial installation under subparagraph (D), the vessel owner shall obtain written attestations from—

(i) an IACS classification society that the video surveillance equipment is installed in accordance with the surveillance plan required under subparagraph (C); and

(ii) the company security officer that the surveillance equipment and associated systems are operational, which attestation shall be obtained each year thereafter.

(F) UPDATES.—The vessel owner shall ensure the risk assessment described in subparagraph (B)(ii) and installation plan in subparagraph (C) are updated not later than 5 years after the initial installation conducted under subparagraph (D), and every 5 years thereafter. The updated assessment and plan shall be approved by an independent third party with expertise in the use and placement of camera surveillance to deter, prevent, and record criminal behavior that has been accepted by an IACS classification society. The vessel owner shall implement the updated installation plan not later than 180 days after approval.

(G) AVAILABILITY.—Each risk assessment, installation plan and attestation shall be protected from disclosure under the Freedom of Information Act, section 552 of title 5 but shall be available to the Coast Guard—

- (i) upon request, and
- (ii) at the time of the certificate of compliance or certificate of inspection examination.

(H) DEFINITIONS.—For purposes of this section a “ship security officer” is an individual that, with the master’s approval, has full responsibility for vessel security consistent with the International Ship and Port Facility Security Code.

(2) NOTICE OF VIDEO SURVEILLANCE.—The owner of a vessel to which this section applies shall provide clear and conspicuous signs on board the vessel notifying the public of the presence of video surveillance equipment.

(3) ACCESS TO VIDEO RECORDS.—

(A) LAW ENFORCEMENT.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

(B) CIVIL ACTIONS.—Except as proscribed by law enforcement authorities or court order, the owner of a vessel to which this section applies shall, upon written request, provide to any individual or the individual’s legal representative a copy of all records of video surveillance—

- (i) in which the individual is a subject of the video surveillance; and
- (ii) that may provide evidence of any sexual assault incident in a civil action.

(C) LIMITED ACCESS.—The owner of a vessel to which this section applies shall ensure that access to records of video surveillance is limited to the purposes described in this paragraph.

(4) RETENTION REQUIREMENTS.—The owner of a vessel to which this section applies shall retain all records of video surveillance for not less than 20 days after the footage is obtained. The vessel owner shall include a statement in the security

guide required by subsection (c)(1)(A) that the vessel owner is required by law to retain video surveillance footage for the period specified in this paragraph. If an incident described in subsection (g)(3)(A)(i) is alleged and reported to law enforcement, all records of video surveillance from the voyage that the Federal Bureau of Investigation determines are relevant shall—

- (A) be provided to the Federal Bureau of Investigation; and
- (B) be preserved by the vessel owner for not less than 4 years from the date of the alleged incident.

(c) SAFETY INFORMATION.—

(1) CRIMINAL ACTIVITY PREVENTION AND RESPONSE GUIDE.—The owner of a vessel to which this section applies (or the owner's designee) shall—

(A) have available for each passenger a guide (referred to in this subsection as the “security guide”), written in commonly understood English, which—

(i) provides a description of medical and security personnel designated on board to prevent and respond to criminal and medical situations with 24 hour contact instructions;

(ii) describes the jurisdictional authority applicable, and the law enforcement processes available, with respect to the reporting of homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000, together with contact information for the appropriate law enforcement authorities for missing persons or reportable crimes which arise—

(I) in the territorial waters of the United States;

(II) on the high seas; or

(III) in any country to be visited on the voyage;

(B) provide a copy of the security guide to the Federal Bureau of Investigation for comment; and

(C) publicize the security guide on the website of the vessel owner.

(2) EMBASSY AND CONSULATE LOCATIONS.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to

evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

(A) possesses a current physician's or registered nurse's license and—

(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; **[and]**

(5) provide the patient free and immediate access to—

(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service~~...~~;

(6)(A) *issue a formal policy with respect to sexual assault or harassment incidents that includes—*

(i) a statement indicating that no sexual assault or harassment incident is acceptable under any circumstance;

(ii) procedures that facilitate the reporting of a sexual assault or harassment incident, including—

(I) appropriate public outreach activities; and

(II) confidential phone and internet-based opportunities for reporting;

(iii) procedures that personnel should follow upon the reporting of a sexual assault or harassment incident, including actions to protect affected individuals from continued sexual assault or harassment and how to provide the information and access required under paragraph (5);

(iv) procedures that may limit or prohibit, to the extent practicable, future travel on the vessel by any passenger

who causes a transportation sexual assault or harassment incident; and

(v) training that is required for all appropriate personnel with respect to the policy required under this paragraph, including—

(I) specific training for personnel who may receive reports of sexual assault or harassment incidents; and

(II) recognizing and responding to potential human trafficking victims; and

(B) prominently display on the internet website of the vessel owner and, through the use of appropriate signage on each vessel, a written statement that—

(i) advises passengers and crew members that the vessel owner has adopted a formal policy with respect to sexual assault or harassment incidents;

(ii) informs passengers and personnel of the other major components of the vessel owner's formal policy, including a statement indicating that no transportation sexual assault or harassment incident is acceptable under any circumstance; and

(iii) informs passengers and crew members of the procedure for reporting a sexual assault or harassment incident; and

(7) have a formal policy in effect with respect to sexual assault or harassment incidents.

(e) **CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.**—The master or other individual in charge of a vessel to which this section applies shall—

(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

(B) information to secure the safety of passengers or crew on board the vessel; or

(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services as confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

(f) **CREW ACCESS TO PASSENGER STATEROOMS.**—The owner of a vessel to which this section applies shall—

(1) establish and implement procedures and restrictions concerning—

- (A) which crewmembers have access to passenger state-rooms; and
- (B) the periods during which they have that access; and
- (2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.
- (g) LOG BOOK AND REPORTING REQUIREMENTS.—
 - (1) IN GENERAL.—The owner of a vessel to which this section applies shall—
 - (A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—
 - (i) all complaints of crimes described in paragraph (3)(A)(i),
 - (ii) all complaints of theft of property valued in excess of \$1,000, and
 - (iii) all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and
 - (B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.
 - (2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—
 - (A) the vessel operator;
 - (B) the name of the cruise line;
 - (C) the flag under which the vessel was operating at the time the reported incident occurred;
 - (D) the age and gender of the victim and the accused assailant;
 - (E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crewmember;
 - (F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;
 - (G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;
 - (H) the time and date the incident occurred, if known;
 - (I) the total number of passengers and the total number of crew members on the voyage; and
 - (J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.
 - (3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—
 - (A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—
 - (i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping,

assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, *including any incident reported under the procedures established under subsection (d)(6)(A) that constitutes a violation of such sections of title 18*, firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;

(ii) shall furnish a written report of each incident specified in clause (i) to the Internet website maintained by the Secretary of Transportation under paragraph (4)(A);

(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet website maintained by the Secretary of Transportation under paragraph (4)(A); and

(iv) may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.

(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

(A) WEBSITE.—

(i) IN GENERAL.—The Secretary of Transportation shall maintain a statistical compilation of all incidents on board a cruise vessel specified in paragraph (3)(A)(i) on an Internet website that provides a numerical accounting of the missing persons and alleged crimes reported under that paragraph without regard to the investigative status of the incident.

(ii) UPDATES AND OTHER REQUIREMENTS.—The compilation under clause (i) shall—

(I) be updated not less frequently than quarterly;

(II) be able to be sorted by cruise line;

(III) identify each cruise line by name;

(IV) identify each crime or alleged crime committed or allegedly committed by a passenger or crewmember;

(V) identify the number of individuals alleged overboard; and

(VI) include the approximate number of passengers and crew carried by each cruise line during each quarterly reporting period.

(iii) USER-FRIENDLY FORMAT.—The Secretary of Transportation shall ensure that the compilation, data, and any other information provided on the Internet website maintained under this subparagraph are in a user-friendly format. The Secretary shall, to the greatest extent practicable, use existing commercial off the shelf technology to transfer and establish the website, and shall not independently develop software, or acquire new hardware in operating the site.

(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary of Transportation under subparagraph (A).

(h) ENFORCEMENT.—

(1) PENALTIES.—

(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.

(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than \$250,000 or imprisoned not more than 1 year, or both.

(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

(A) commits an act or omission for which a penalty may be imposed under this subsection; or

(B) fails to pay a penalty imposed on the owner under this subsection.

(i) PROCEDURES.—The Secretary shall maintain guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

(j) REGULATIONS.—The Secretary and the Commandant shall each issue such regulations as are necessary to implement this section.

(k) APPLICATION.—

(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(31)) that—

(A) is authorized to carry at least 250 passengers;

(B) has onboard sleeping facilities for each passenger;

and

(C) is on a voyage that embarks or disembarks passengers in the United States.

(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel of the United States operated by

the Federal Government or a vessel owned and operated by a State.

[(1) DEFINITION.—In this section and section 3508, the term “owner” means the owner, charterer, managing operator, master, or other individual in charge of a vessel.]

(1) DEFINITIONS.—

(1) OWNER.—*In this section and section 3508, the term “owner” means the owner, charterer, managing operator, master, or other individual in charge of a vessel.*

(2) SEXUAL ASSAULT.—*The term “sexual assault” means the occurrence of an act that constitutes any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.*

(3) SEXUAL ASSAULT OR HARASSMENT INCIDENT.—*The term “sexual assault or harassment incident” means the occurrence, or reasonably suspected occurrence, of an act that—*

(A) constitutes sexual assault or sexual harassment; and

(B) is committed—

(i) by a passenger of a vessel to which this section applies or a member of the crew of such a vessel against another passenger of such vessel or a member of the crew of such a vessel; and

(ii) within—

(I) such a vessel; or

(II) an area in which passengers are entering or exiting such a vessel.

*

*

*

*

*

*

*

JERROLD NADLER, New York
CHAIRMAN

JIM JORDAN, Ohio
RANKING MEMBER

COMMITTEE CORRESPONDENCE
ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

judiciary.house.gov

March 18, 2022

The Honorable Peter A. DeFazio
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

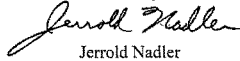
Dear Chairman DeFazio:

This letter is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 5706, the "Stop Sexual Assault and Harassment in Transportation Act," that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 5706, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,



Jerrold Nadler
Chairman

cc: The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary
The Honorable Jason Smith, Parliamentarian
The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chair

Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member

Paul J. Sass
Republican Staff Director

March 21, 2022

The Honorable Jerrold Nadler
Chairman, Committee on the Judiciary
House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Nadler:

Thank you for your letter regarding H.R. 5706, the *Stop Sexual Assault and Harassment in Transportation Act*. I appreciate your willingness to review the legislation.

I acknowledge that by foregoing formal consideration on H.R. 5706, the Committee on the Judiciary does not waive any future jurisdictional claims to provisions in this or similar legislation, and that your Committee will be consulted and involved on any matters in your Committee's jurisdiction should this legislation move forward. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving provisions within this legislation on which the Committee on the Judiciary has a valid jurisdictional claim.

I appreciate your cooperation regarding this legislation, and I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of H.R. 5706.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. DeFazio".

Peter A. DeFazio
Chair

cc: The Honorable Sam Graves
The Honorable Jim Jordan

